

**REMARKS**

Claims 1-7 and 9 are pending in this application. By this Amendment, independent claims 1, 6 and 9 are amended. Support for the amendments to claims 1, 6 and 9 can be found, for example, in Figs. 5 and 6 and on page 7, lines 12-20 of the application. No new matter is added. Reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1, 2, 4-7 and 9 under 35 U.S.C. §103(a) over U.S. Patent No. 6,487,309 to Chen, in view of U.S. Patent Application Publication No. 2001/0003557 A1 to Hirai et al. (Hirai). The rejection is respectfully traversed.

The combination of Chen and Hirai would not have rendered obvious an image-processing device having a luminance value determining part for determining a luminance value indicating luminosity for each of the plurality of small areas, an evaluation value determining part for calculating an evaluation value for each of a plurality of pixels, the evaluation value being calculated by selecting the small areas having shorter distances to a pixel for each of the pixels, and calculating the evaluation value for each pixel by weighing the respective luminance values of the selected small areas in accordance with the distance from each pixel to the small areas selected for each pixel and an image-processing part for performing correction on each of the pixels of the captured image data according to the evaluation value determined by said evaluation value determining part, as recited in independent claim 1, and similarly recited in independent claims 6 and 9.

Chen discloses an interpolation processing apparatus that calculates "the difference in the color averages of the individual color components" and "the ratios of the color averages of the individual color components" from divided areas (see Fig. 2). Thus, Chen does not calculate a luminance value. Further, the apparatus of Chen determines an interpolation

processing method for performing interpolation processing based on the "differences" and "ratios," and applies the determined interpolation method to the entire image. In contrast, independent claims 1, 6 and 9 recite "an image-processing part for performing correction on each of the pixels." That is, the claimed corrections vary from pixel to pixel, which is different from the above-mentioned method disclosed in Chen. Furthermore, the interpolation processing in Chen estimates the pixel data of nonexistent color from the surrounding pixel data, not existing pixel data in accordance with an evaluation value. Thus, Chen does not perform "correction on each of the pixels of the captured image data according to an evaluation value," as recited in claims 1, 6 and 9.

The Office Action acknowledges that Chen does not disclose a part that indicates luminosity for each of a plurality of small areas, but cites Hirai as allegedly overcoming the deficiency. However, as discussed, for example, in the June 8, 2009 Amendment, Hirai divides an image of a focused object to be photographed as viewed through a camera, not captured image data consisting of a signal having a plurality of data values of a plurality of pixels. Because the six photometry areas A0-A5 of Hirai are evaluated by a sensor 9 before the scene to be photographed is photographed, the six photometry areas A0-A5 do not each consist of a plurality of pixels and cannot reasonably be considered as corresponding to the claimed small areas. Further, Hirai fails to overcome the above-mentioned deficiencies of Chen.

Therefore, the combination of Chen and Hirai would not have rendered obvious the features of independent claims 1, 6 and 9, and dependent claims 2, 4, 5 and 7. Accordingly, it is respectfully requested that the rejection be withdrawn.

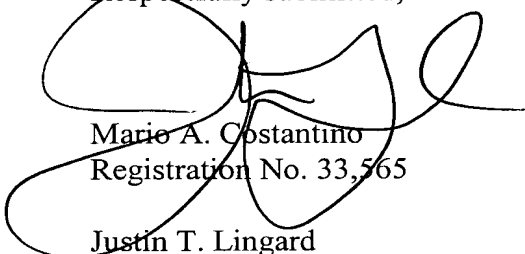
The Office Action rejects claim 3 under 35 U.S.C. §103(a) over Chen in view of Hirai, and further in view of U.S. Patent No. 5,710,877 to Marimont et al. (Marimont). The rejection is respectfully traversed.

Claim 3 incorporates the features of independent claim 1. Because Marimont fails to overcome the deficiencies of Chen and Hirai, claim 3 also would not have been rendered obvious by the applied references for at least these reasons, as well as for the additional features that claim 3 recites. Thus, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7 and 9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time

Date: December 17, 2009

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